

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-2236-MWD-E **TCEQ ID:** RN102916905 **CASE NO.:** 32008
RESPONDENT NAME: Montgomery County Municipal Utility District No. 56

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Approximately 4.5 miles along Farm-to-Market Road ("FM") 1314, northwest of the intersection of U.S. Highway 59 and FM 1314, Montgomery County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 18, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Catherine Albrecht, Enforcement Division, Enforcement Team 1, R-12, (713) 767-3672; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Clarence W. Bull, President, Montgomery County Municipal Utility District No.56, 1415 Louisiana Street, Suite 5, Houston, Texas 77002 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 28, 2006</p> <p>Date of NOE Relating to this Case: November 13, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Four violations were documented.</p> <p>WATER</p> <p>1) Failed to prevent the unauthorized discharges of wastewater from the collection system. Specifically, six unauthorized discharges occurred at this Facility of 10 gallons at 21822 Raven Tree Court on May 31, 2005, 240 gallons at 22058 South Pine Court on June 2, 2005, 230 gallons at 18108 Red Pine Court on September 1, 2005, 130 gallons at 18355 Knotted Oak Street on December 14, 2005, 100 gallons at 22050 Soft Pines Street on January 14, 2006, and 120 gallons at 18147 Woodsdale Court on August 16, 2006 [30 TEX. ADMIN. CODE § 305.125(1) and (4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13760001, Permit Condition No. 2.g., and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to timely report the unauthorized discharge of wastewater from the collection system on August 16, 2006 within 24 hours by phone and within five days by letter. Specifically, the noncompliance report was not submitted until August 25, 2006 [30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 13760001, Monitoring and Reporting Requirement No. 7.b.iv.].</p> <p>3) Failed to maintain compliance with permit limits [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 13760001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$12,116</p> <p>Total Deferred: \$2,423 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$9,693</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On May 31, 2005, removed the grease blockage at the 21822 Raven Tree Court manhole and disinfected and flushed the area affected by the unauthorized discharge;</p> <p>b. On June 2, 2005, removed the grease blockage at the 22058 South Pine Court manhole and disinfected and flushed the area affected by the unauthorized discharge;</p> <p>c. On September 1, 2005, removed the grease blockage at the 18108 Red Pine Court manhole and disinfected and flushed area affected by the unauthorized discharge;</p> <p>d. On December 14, 2005, removed the grease blockage at the 18355 Knotted Oak Street manhole and disinfected and flushed the area affected by the unauthorized discharge;</p> <p>e. On January 14, 2006, completed the necessary lift station repairs and disinfected and flushed the area affected by the unauthorized discharge at 22050 Soft Pines Street;</p> <p>f. On August 16, 2006, removed the grease blockage at the Woodsdale Court manhole and disinfected and flushed the area affected by the unauthorized discharge; and</p> <p>g. On or about January 2, 2007, revised noncompliance notification reporting procedures to resume making verbal and written or faxed noncompliance notification reports for all reported excursions that exceed the permitted effluent limits by more than 40 percent.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, identify and implement all necessary preventive maintenance and/or rehabilitation work to prevent the unauthorized discharges of wastewater from the collection system and the permitted effluent noncompliances;</p>

4) Failed to consistently provide effluent noncompliance notification reports in accordance with the permit requirements. Specifically, copies of the noncompliance notification reports were not submitted to the Houston Regional Office for effluent noncompliance that exceeded the permit limits by more than 40 percent during April 2006 for a daily average event and July 2006 for daily maximum and daily average events [30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 13760001, Monitoring and Reporting Requirement No. 7.c.].

b. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a.; and

c. Within 135 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. 13760001.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	27-Nov-2006	Screening	12-Dec-2006	EPA Due	
	PCW	26-Mar-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Montgomery County Municipal Utility District No. 56		
Reg. Ent. Ref. No.	RN102916905		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32008	No. of Violations	4	
Docket No.	2006-2236-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Catherine Albrecht	
Multi-Media		EC's Team	EnforcementTeam 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$10,300**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **117% Enhancement** **Subtotals 2, 3, & 7** **\$12,051**

Notes The Respondent has one NOV for same or similar violations, one NOV for other violations, 18 self-reported effluent violations, and one Agreed Order with denial of liability.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **\$3,337** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$25,500** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$22,351**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-46%** **Adjustment** **-\$10,235**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommend reduction in the penalty so that the monthly self-reported violations don't overly impact the penalty amount and to reduce the impact of the unauthorized discharge violation on the penalty which were small volumes with minimal impacts.

Final Penalty Amount **\$12,116**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$12,116**

DEFERRAL

20% Reduction **Adjustment** **-\$2,423**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

\$9,693

Screening Date 12-Dec-2006

Docket No. 2006-2236-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 56

Policy Revision 2 (September 2002)

Case ID No. 32008

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102916905

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	19	95%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 117%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has one NOV for same or similar violations, one NOV for other violations, 18 self-reported effluent violations, and one Agreed Order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 117%

Screening Date 12-Dec-2006

Docket No. 2006-2236-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 56

Policy Revision 2 (September 2002)

Case ID No. 32008

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102916905

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (4), TPDES Permit No. 13760001, Permit Condition No. 2.g., and Tex. Water Code § 26.121(a)

Violation Description

Failed to prevent the unauthorized discharges of wastewater from the collection system. Specifically, six unauthorized discharges occurred at this Facility of 10 gallons at 21822 Raven Tree Court on May 31, 2005, 240 gallons at 22058 South Pine Court on June 2, 2005, 230 gallons at 18108 Red Pine Court on September 1, 2005, 130 gallons at 18355 Knotted Oak Street on December 14, 2005, 100 gallons at 22050 Soft Pines Street on January 14, 2006, and 120 gallons at 18147 Woodsdale Court on August 16, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to prevent the unauthorized discharge of raw wastewater resulted in the exposure of an insignificant amount of contaminants.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6

6 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$6,000

Six single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,337

Violation Final Penalty Total \$7,058

This violation Final Assessed Penalty (adjusted for limits) \$7,058

Economic Benefit Worksheet

Respondent Montgomery County Municipal Utility District No. 56
Case ID No. 32008
Reg. Ent. Reference No. RN102916905
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$20,000	31-May-2005	1-Oct-2007	2.3	\$2,337	n/a	\$2,337
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to implement a collection system inspecting and cleaning program based on \$10,000 per year for two years. Date required is the date of first unauthorized discharge from collection system. Final date is projected date of the implementation of the cleaning and inspection program.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$2,337

Screening Date 12-Dec-2006

Docket No. 2006-2236-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 56

Policy Revision 2 (September 2002)

Case ID No. 32008

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102916905

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9) and TPDES Permit No. 13760001, Monitoring and Reporting Requirement No. 7.b.iv

Violation Description

Failed to timely report the unauthorized discharge of wastewater from the collection system on August 16, 2006 within 24 hours by phone and within five days by letter. Specifically, the noncompliance report was not submitted until August 25, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule was not met by not submitting the unauthorized discharge report on time.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

9 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$118

This violation Final Assessed Penalty (adjusted for limits) \$118

Economic Benefit Worksheet

Respondent Montgomery County Municipal Utility District No. 56
Case ID No. 32008
Reg. Ent. Reference No. RN102916905
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$100	16-Aug-2006	25-Aug-2006	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of preparing and submitting the unauthorized discharge report. Date required is date report was due. Final date is the date report was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$0
----------------------------	-------	-------	-----

Screening Date 12-Dec-2006

Docket No. 2006-2236-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 56

Policy Revision 2 (September 2002)

Case ID No. 32008

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102916905

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 13760001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and Tex. Water Code § 26.121(a)

Violation Description Failed to maintain compliance with permit limits. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to comply with permit limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health and the environment as indicated by a simplified model.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

185 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$782

Violation Final Penalty Total \$4,705

This violation Final Assessed Penalty (adjusted for limits) \$4,705

Economic Benefit Worksheet

Respondent Montgomery County Municipal Utility District No. 56
Case ID No. 32008
Reg. Ent. Reference No. RN102916905
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	7-Oct-2005	31-Dec-2007	2.2	\$37	\$744	\$782
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of the installation of an auto-dial monitoring system for blower operation. Date required is the first effluent violation date. Final date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$782

Screening Date 12-Dec-2006

Docket No. 2006-2236-MWD-E

PCW

Respondent Montgomery County Municipal Utility District No. 56

Policy Revision 2 (September 2002)

Case ID No. 32008

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102916905

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and (9) and TPDES Permit No. 13760001, Monitoring and Reporting Requirement No. 7.c

Violation Description

Failed to consistently provide effluent noncompliance notification reports in accordance with the permit requirements. Specifically, copies of the noncompliance notification reports were not submitted to the Houston Regional Office for effluent noncompliance that exceeded the permit limits by more than 40 percent during April 2006 for a daily average event and July 2006 for daily maximum and daily average events.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule was not met by not submitting copies of the noncompliance notification reports to the Regional Office.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

228 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events are recommended for April 2006 and July 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$218

Violation Final Penalty Total \$235

This violation Final Assessed Penalty (adjusted for limits) \$235

Economic Benefit Worksheet

Respondent Montgomery County Municipal Utility District No. 56
Case ID No. 32008
Reg. Ent. Reference No. RN102916905
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	20-May-2006	2-Jan-2007	0.6	\$6	n/a	\$6

Notes for DELAYED costs

Estimated costs of implementing noncompliance notification reporting revisions to ensure that effluent noncompliance exceeding the permit limits by more than 40% are reported to the Regional Office as permit requires. Date required is date that the April 2006 noncompliance report was due. Final date is date corrective actions were implemented.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$200	20-May-2006	20-Aug-2006	1.2	\$12	\$200	\$212

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$218

Respondent: Montgomery County Municipal Utility District No. 56
 ID Number: RN102916905
 Docket Number: 2006-2236-MWD-E
 Enf. Coordinator: Catherine Albrecht

Corresponds to Violation Number: 3

OUTFALL 001 EFFLUENT PARAMETERS

Permit Limits

Month/ Year	NH3-N Dly Avg Conc Limit of 3.0 (in mg/L)	NH3-N Dly Max Limit of 10.0 (in mg/L)	NH3-N Dly Avg Load Limit of 2.5 (in lbs/day)	CBOD Dly Avg Conc Limit of 10.0 (in mg/L)	CBOD Dly Max Conc Limit of 25.0 (in mg/L)	CBOD Dly Avg Loading Limit of 8.3 (in lbs/day)	DO Min Limit of 6.0 (in mg/L)
Oct-05	5.12	22.9	c	c	c	c	c
Dec-05	3.98	17.7	3.91	c	c	c	c
Jan-06	c	c	c	c	c	9.23	c
Apr-06	c	c	6.14	c	c	c	4.85
May-06	c	c	c	c	c	c	5.96
Jul-06	9.85	39.1	4.61	38.25	147	17.99	4.3

Abbreviations:

Ammonia-Nitrogen ("NH3-N")

Carbonaceous Biochemical Oxygen Demand (five-day) ("CBOD")

Dissolved Oxygen ("DO")

Daily Average ("Dly Avg")

Daily Maximum ("Dly Max")

Minimum ("Min")

Concentration ("Conc")

milligrams per liter ("mg/L")

pounds per day ("lbs/day")

compliant ("c")

Compliance History

Customer/Respondent/Owner-Operator: CN600736722 Montgomery County Municipal Utility District No. 56 Classification: AVERAGE Rating: 1.86

Regulated Entity: RN102916905 MONTGOMERY COUNTY MUD 56 Classification: AVERAGE Site Rating: 1.86

ID Number(s): WASTEWATER PERMIT WQ0013760001
WASTEWATER PERMIT TX0089672
WASTEWATER LICENSING LICENSE WQ0013760001

Location: Approximately 4.5 miles along Farm-to-Market Road (FM) 1314, northwest of the intersection of U.S. Highway 59 and FM 1314, Montgomery County Rating Date: September 01 06
Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: December 12, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 12, 2001 to December 12, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Catherine Albrecht Phone: (713)767-3672

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/25/2003 ADMINORDER 2002-1129-MWD-E
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
TWC Chapter 26 26.121
Rqmt Prov: ELMR 1 PERMIT
Description: Failure to comply with permitted effluent limits.
Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OR 1 PERMIT
Description: Failure to maintain the Facility in a manner that would prevent rust.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 11/27/2006 (514293)
- 2 02/22/2005 (477437)
- 3 02/23/2006 (477438)
- 4 03/22/2006 (477439)
- 5 04/26/2004 (477440)
- 6 04/22/2005 (477441)
- 7 05/24/2004 (477442)
- 8 04/21/2006 (504049)
- 9 06/08/2005 (477443)
- 10 05/22/2006 (504050)
- 11 06/24/2004 (477444)
- 12 06/24/2005 (477445)
- 13 06/17/2004 (275715)
- 14 06/19/2006 (504051)
- 15 07/22/2004 (477446)
- 16 07/25/2005 (477447)
- 17 07/18/2006 (504052)
- 18 08/22/2005 (477448)
- 19 09/07/2004 (477449)
- 20 02/19/2002 (212005)
- 21 08/23/2005 (477450)

22 02/21/2003 (212006)
 23 09/24/2004 (477451)
 24 03/25/2002 (212008)
 25 09/28/2005 (477452)
 26 10/17/2004 (477453)
 27 03/21/2003 (212009)
 28 10/24/2005 (477454)
 29 11/29/2004 (477455)
 30 09/07/2004 (286925)
 31 11/21/2005 (477456)
 32 08/22/2006 (526416)
 33 12/27/2004 (477457)
 34 04/22/2002 (212013)
 35 09/18/2006 (526417)
 36 02/23/2004 (318105)
 37 12/27/2005 (477458)
 38 03/22/2004 (318106)
 39 01/24/2005 (477459)
 40 10/16/2006 (526418)
 41 04/22/2003 (318107)
 42 05/22/2002 (212016)
 43 01/23/2006 (477460)
 44 05/22/2003 (318108)
 45 06/25/2002 (212019)
 46 08/25/2006 (510265)
 47 06/23/2003 (318109)
 48 07/18/2003 (318110)
 49 05/21/2002 (IE0018339001001)
 50 08/22/2003 (318111)
 51 07/25/2002 (212021)
 52 09/22/2003 (318112)
 53 10/24/2003 (318113)
 54 08/22/2002 (212023)
 55 11/20/2003 (318114)
 56 12/29/2003 (318115)
 57 09/25/2002 (212026)
 58 01/23/2004 (318116)
 59 10/21/2002 (212029)
 60 11/22/2002 (212032)
 61 12/14/2001 (212034)
 62 12/20/2002 (212035)
 63 01/25/2002 (212038)
 64 01/21/2003 (212039)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/07/2006 (510265)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Using unapproved self-generated Discharge Monitoring Report (DMR) forms to report monitoring results.

Date: 01/31/2006 (477438)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2006 (504050)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 05/30/2006 (504051)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2005 (477447)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2002 (212005)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2002 (212008)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (212009)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (477456)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2006 (526416)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (477457)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006 (526417)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (318107)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2005 (477460)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (318108)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2002 (212019)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/16/2004 (275715)
Self Report? NO Classification: Moderate
Citation: TWC Chapter 26 26.121(a)(1)
Description: Failure to prevent the unauthorized discharge of wastewater from the collection system and the wastewater treatment plant.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)
Description: Failure to obtain authorization from the commission to commence construction of the necessary additional treatment and/or collection facilities when the plant has reached 90% of the permitted daily average flow for three consecutive months.

Date: 09/30/2003 (318113)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2001 (212038)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (212039)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MONTGOMERY COUNTY
MUNICIPAL UTILITY DISTRICT
NO. 56
RN102916905**

§
§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-2236-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Montgomery County Municipal Utility District No. 56 ("the District") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the District appear before the Commission and together stipulate that:

1. The District owns and operates a wastewater treatment plant located approximately 4.5 miles along Farm-to-Market Road ("FM") 1314, northwest of the intersection of U.S. Highway 59 and FM 1314 in Montgomery County, Texas (the "Facility").
2. The District has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the District agree that the Commission has jurisdiction to enter this Agreed Order, and that the District is subject to the Commission's jurisdiction.
4. The District received notice of the violations alleged in Section II ("Allegations") on or about November 18, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the District of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twelve Thousand One Hundred Sixteen Dollars (\$12,116) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The District has paid Nine Thousand Six Hundred Ninety-Three Dollars (\$9,693) of the administrative penalty and Two Thousand Four Hundred Twenty-Three Dollars (\$2,423) is deferred contingent upon the District's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the District fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the District to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the District have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the District has implemented the following corrective measures at the Facility:
 - a. On May 31, 2005, removed the grease blockage at the 21822 Raven Tree Court manhole and disinfected and flushed the area affected by the unauthorized discharge;
 - b. On June 2, 2005, removed the grease blockage at the 22058 South Pine Court manhole and disinfected and flushed the area affected by the unauthorized discharge;
 - c. On September 1, 2005, removed the grease blockage at the 18108 Red Pine Court manhole and disinfected and flushed area affected by the unauthorized discharge;
 - d. On December 14, 2005, removed the grease blockage at the 18355 Knotted Oak Street manhole and disinfected and flushed the area affected by the unauthorized discharge;
 - e. On January 14, 2006, completed the necessary lift station repairs and disinfected and flushed the area affected by the unauthorized discharge at 22050 Soft Pines Street;
 - f. On August 16, 2006, removed the grease blockage at the Woodsdale Court manhole and disinfected and flushed the area affected by the unauthorized discharge; and
 - g. On or about January 2, 2007, revised noncompliance notification reporting procedures to resume making verbal and written or faxed noncompliance notification reports for all reported excursions that exceed the permitted effluent limits by more than 40 percent.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the District has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the District is alleged to have:

- Failed to prevent the unauthorized discharges of wastewater from the collection system, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (4), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 13760001, Permit Condition No. 2.g., and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on September 28, 2006. Specifically, six unauthorized discharges occurred at this Facility of 10 gallons at 21822 Raven Tree Court on May 31, 2005, 240 gallons at 22058 South Pine Court on June 2, 2005, 230 gallons at 18108 Red Pine Court on September 1, 2005, 130 gallons at 18355 Knotted Oak Street on December 14, 2005, 100 gallons at 22050 Soft Pines Street on January 14, 2006, and 120 gallons at 18147 Woodsdale Court on August 16, 2006.
- Failed to timely report the unauthorized discharge of wastewater from the collection system on August 16, 2006 within 24 hours by phone and within five days by letter, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 13760001, Monitoring and Reporting Requirement No. 7.b.iv., as documented during an investigation conducted on September 28, 2006. Specifically, the noncompliance report was not submitted until August 25, 2006.
- Failed to maintain compliance with permit limits, as listed below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 13760001, Effluent Limitations and Monitoring Requirements Nos. 1 and 6, and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on September 28, 2006:

Month/ Year	NH3-N Dly Avg Conc Limit of 3.0 (in mg/L)	NH3-N Dly Max Conc Limit of 10.0 (in mg/L)	NH3-N Dly Avg Load Limit of 2.5 (in lbs/day)	CBOD Dly Avg Conc Limit of 10.0 (in mg/L)	CBOD Dly Avg Conc Limit of 25.0 (in mg/L)	CBOD Dly Avg Conc Limit of 8.3 (in mg/L)	DO Min Limit of 6.0 (in mg/L)
Oct-05	5.12	22.9	c	c	c	c	c
Dec-05	3.98	11.7	3.91	c	c	c	c
Jan-06	c	c	c	c	c	9.23	c
Apr-06	c	c	6.14	c	c	c	4.85
May-06	c	c	c	c	c	c	5.96
Jul-06	9.85	39.1	4.61	38.25	147.0	17.99	4.3

Abbreviations: Ammonia-Nitrogen ("NH3-N"); Carbonaceous Biochemical Oxygen Demand (five-day) ("CBOD"); Dissolved Oxygen ("DO"); Daily ("Dly"); Average ("Avg"); Maximum ("Max"); Minimum ("Min"); Concentration ("Conc"); milligrams per liter ("mg/L"); pounds per day ("lbs/day"); and compliant ("c").

- Failed to consistently provide effluent noncompliance notification reports in accordance with the permit requirements, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 13760001, Monitoring and Reporting Requirement No. 7.c., as documented during an

investigation conducted on September 28, 2006. Specifically, copies of the noncompliance notification reports were not submitted to the Houston Regional Office for effluent noncompliance that exceeded the permit limits by more than 40 percent during April 2006 for a daily average event and July 2006 for daily maximum and daily average events.

III. DENIALS

The District generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the District pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the District's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Montgomery County Municipal Utility District No. 56, Docket No. 2006-2236-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the District shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, identify and implement all necessary preventive maintenance and/or rehabilitation work to prevent the unauthorized discharges of wastewater from the collection system and the permitted effluent limit noncompliances;
 - b. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.d. below;
 - c. Within 135 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limits of TPDES Permit No. 13760001, as described in Ordering Provision No. 2.d. below; and
 - d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that

qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the District. The District is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the District fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the District's failure to comply is not a violation of this Agreed Order. The District shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The District shall notify the Executive Director within seven days after the District becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the District shall be made in writing to the Executive Director. Extensions are not effective until the District receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the District in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the District, or three days after the date on which the Commission mails notice of the Order to the District, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

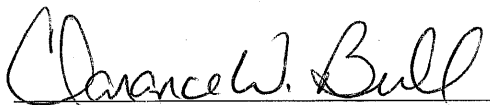
8/16/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4/9/07
Date

Clarence W. Bull
Name (Printed or typed)

PRESIDENT
Title

Authorized Representative of
Montgomery County Municipal Utility District No. 56

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

